



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of MARY ORR,
Chair, Humboldt General Hospital
District, Humboldt County,
State of Nevada,

Request for Opinion No. 09-22C

Subject.

EXECUTIVE DIRECTOR'S APPROVAL OF INVESTIGATION AND RECOMMENDATION

The following is to formalize the Executive Director's recommendation sent to the Panel members via e-mail before the Panel Proceeding on May 27, 2009. This recommendation is based on the investigation of the Ethics Complaint filed against Mary Orr (Orr) and on her response.

Facts

At all time relevant to the investigation, Orr was on the Humboldt General Hospital Board (Hospital Board) in Humboldt County, State of Nevada. During certain Hospital Board meetings, Orr allegedly used her position to benefit herself and her employer, Humboldt Volunteer Hospice (Hospice).

Nevada Revised Statutes (NRS)

The purpose of the Nevada Ethics in Government Law is to hold public officials accountable to the public they serve. Such officials should not use their positions to benefit themselves. NRS 281A.020.

Pursuant to NRS 281A.420(2), (4), Orr may not vote to benefit herself or her employer, Hospice, and must disclose her relationship to Hospice when matters benefiting her employer come before the Hospital Board.

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Summary of Allegations

The allegations concern three alleged votes by Orr on the Hospital Board “check run.” One of the payments was to Hospice in the amount of \$3,200, one was to Hospice in the amount of \$200 and one was for her Hospital Board salary. The analysis of the payments is as follows:

First: Just and sufficient cause does not exist for the Nevada Commission on Ethics (Commission) to render an opinion on the allegation that Orr’s failed to disclose and to abstain on the \$3,200 payment to her employer Hospice. Orr was not present at the January 27, 2009 meeting when the vote was cast, nor did she execute any documents on the payment. Investigation, Exhibit 7. Therefore, Orr could not have violated NRS 281A.420(2),(4).

Second: Just and sufficient cause exists on Orr’s failure to disclose and to abstain on the \$200 payment to her employer Hospice on March 27, 2009. NRS 281.420(2), (4) requires disclosure and abstention on matters related to a public official’s private employer. Copies of the meeting packet and “check run” show that Orr neither disclosed nor abstained. Investigation, Exhibits 4 and 8.

Third: Just and sufficient cause does not exist for the Commission to render an opinion on the allegation on Orr’s vote to pay her salary for serving on the Hospital Board on February 24, 2009. She was legally entitled to receive this money and there is no conflict between her public and private interests. Investigation, Exhibits 5 and 6, page 18. Therefore, Orr could not have violated NRS 281A.420(2),(4).

Recommendation and Conclusion

Therefore, based on the above analysis:

The recommendation is that the Panel find that just and sufficient cause DOES NOT EXIST for the Commission to render an opinion on the **first** allegation on whether Orr violated NRS 281A.420(2), (4) because she was not present at the meeting.

The recommendation is that the Panel find that just and sufficient cause EXISTS for the Commission to render an opinion on the **second** allegation on whether Orr violated NRS 281A.420(4) when she *failed to disclose* her relationship to her employer Hospice before the vote to pay \$200 to Hospice.

Further, the recommendation is that the Panel find that just and sufficient cause EXISTS for the Commission to render an opinion on the **second** allegation on whether Orr violated NRS 281A.420(2) when she *voted* to pay \$200 to Hospice, her employer.

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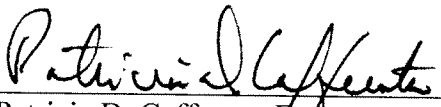
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The recommendation is that the Panel find that just and sufficient cause DOES NOT EXIST for the Commission to render an opinion on the **third** allegation on whether Orr violated NRS 281A.420(2), (4) when she voted to approve her Hospital Board salary.

**Approval of Investigation and Executive Director's
Recommendation by:**

Dated: June 2, 2009



Patricia D. Cafferata, Esq.
Executive Director